



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/579,640	05/26/00	LUTZ	R 066303.0109

BAKER BOTTS LLP
2001 ROSS AVENUE
DALLAS TX 75201-2980

MM91/0119

EXAMINER

DATSKOVSKIY, M

ART UNIT

PAPER NUMBER

2835

DATE MAILED:

01/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/579,640

Applicant(s)

LUTZ, RONALD D.

Examiner

Michael Datskovsky

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 18 and 25 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: it is written on page 8, lines 20-21 that: "In operation, a plurality of chassis 104 are stacked in an equipment frame as shown in FIGURES 1A and 1B." There is no frame shown on these figures.. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gap claimed in claims 2, 3, 9, 10, 15 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 10 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how something can be separated by a gap that is substantially zero inches. There is no gap in this case.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-12, 14-18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertilsson et al in view of Zelt. Bertilsson et al describe a system for housing telecommunications equipment, figs.1-7, comprising: a plurality of vertically disposed chassis 2, housing the telecommunication equipment (col.1, lines 4-7), each chassis 2 having a top that is substantially closed, first and second sides, first and second ends, and a base, wherein the top of each chassis is adapted to receive the base of an adjacent chassis; at least one vent 5 formed in each chassis adjacent to the base, wherein the vent is operable to allow air to enter the chassis 2; and wherein the vent is disposed between the base and a portion of the chassis represented by the first end of said chassis. Bertilsson et al do not teach said vent being nonplanar (angling toward) in relation to said portion and having a plurality of apertures. Zelt teaches a system for housing a heat generating electronic equipment, figs.1-4, comprising a chassis having vents including a plurality of apertures 40, said vents being nonplanar (angling toward) in relation to the front end of said chassis. Zelt teaches furthermore a second vent formed in said chassis and having a lower end and an upper end, the lower end coupled to the base and the upper end coupled to the second end of the chassis such that the rear vent is nonplanar in relation to the second end, and wherein the first and second vents are operable to allow air to enter the chassis. It would have been obvious to one skilled in the art at the time invention was made to make nonplanar vents (angling toward) in relation to the ends of said chassis as it is shown by Zelt in the device by Bertilsson et al in order to improve an air access into the chassis.

Regarding to claims 2-3, 9-10, 15-16 and 21-22: Bertilsson et al and Zelt show all the structural limitations of the claims including a plurality of vertically stacked chassis without any gap between them which complies with applicant's requirements – gap is zero inches (which is obviously less than 1.75 inches). It would have been obvious matter of design choice to arrange said chassis with small gap or without any gap, since such a modification would have involved a mere change in the size of a components. A change in size is generally recognized as being within the level of ordinary skill in the art. (In re Rose, 105 USPQ 237, CCPA 1955).

Regarding to claims 7-12: Bertilsson et al and Zelt show all the structural limitations of the claims except there is only one chassis placed on the support. It would have been obvious matter of design choice to use one chassis placed on some support (floor, according to the applicant's example) since applicant has not disclosed that a quantity of the chassis solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with different numbers of said chassis placed on each other or on the floor or another kind of support.

Regarding to claims 14-18: The method steps are necessitated by the device structure as it is disclosed by Bertilsson et al and Zelt.

Allowable Subject Matter


5. Claims 6, 13, 19 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Mitchell (US Patent 5,673,985); Koradia et al (US Patent 6,053,808); Gaal et al (US Patent 5,450,272); Niggl et al (US Patent 6,100,468) and Hagiwara et al (Japan patent JP406013777A).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703)306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703)308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-1341 for regular communications and (703)305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



M.D.
December 4, 2000

Leo P. Picard
Supervisory Patent Examiner
Technology Center 2800